



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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**BILL: SENATE BILL 942**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill defines health and wellness standards to include “lifestyle medicine”, and requires the Secretary of the Department to designate four correctional facilities to participate in a Correctional Facilities Health and Wellness Pilot Program for the purpose of establishing minimum mandatory standards for inmate food services for the correctional facilities participating in the Pilot Program. The bill would further require the Department, in consultation with the Secretary of Health, establish guidelines to increase the availability of plant-based meal options.

#### **COMMENTS:**

- The Department’s Division of Correction (DOC) operates 13 State correctional facilities, which house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Pretrial Complex, under the Division of Pretrial Detention and Services (DPDS), which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.

- SB 942 establishes the Correctional Facilities Health and Wellness Pilot Program for the purpose of instituting minimum mandatory standards for inmate food services for the participating correctional facilities.

- The Department is already required to adhere to auditable standards set by the Maryland Commission on Correctional Standards. **The requirements under SB 942 would conflict with this process.** The managing official of a correctional facility is responsible for having written policies and procedures, including (1) providing for a menu approved annually by a registered dietitian; (2) ensuring that three meals a day are served with not more than a 14-hour interval between the evening meal and breakfast; and (3) ensuring that the food service operation is licensed and meets State sanitation and health regulations as verified by the Health Department.

- The Pilot Program established under the bill, would require each participating facility to offer plant-based meal options, plant-based food options, and plant-based beverages for general consumption by:
  - (i) providing at least one plant-based meal option and at least one plant-based beverage to **all inmates at each meal at least day each week**; and
  - (ii) offering one plant-based meal option and one plant-based beverage option to an inmate at every meal on request;
  
- The Department already provides healthy options to the incarcerated population. Below are some specifics regarding the current standardized menus, and what is available to the Maryland inmate population:
  - Incarcerated individuals are able to sign up to have the option of a vegetarian meal plan (Lacto-Ovo).
  - The Division of Correction is currently providing a plant-based meal to all incarcerated individuals receiving a regular diet on four out of the five weekly menu cycles. Providing a plant-based meal on the fifth cycle would increase the cost of up to \$0.80 per meal, or **\$86,875 annually during the two year pilot program**.
  - Incarcerated individuals may be placed on diets that adhere to religious practices and beliefs. All religious meals are plant-based.
  - Incarcerated individuals are placed on therapeutic diets for medical conditions. When this occurs, the therapeutic diets adhere to medical diets approved by the Department's Chief Medical Officer, Medical Services and the Department's Registered Dietitian.
  - Lower fat meals are also being served.
  - All juice beverages and tea served with meals are plant based.
  - Beef products include soy resulting in a 3-5% reduction in fat content.
  - Most poultry based items typically result in a 1-3% reduction in fat content.
  
- With regard to allowing an incarcerated individual to elect a food option, menus are reviewed and certified annually for nutritional adequacy by a Registered Dietitian on staff. An individual registers their meal preference upon admission to the Department and can change their meal preference every 6 months. The meal preference can be regular, lacto-ovo, or religious. Medical diets are based on a medical provider's assessment and can be changed anytime depending on the individual's medical condition; otherwise the medical diet is renewed by the medical provider on an annual basis.

- SB 942 will enable incarcerated individuals to dictate their dietary selections as opposed to the determination being made by a clinical treatment provider. This could result in further medical complications and impact the health and safety of the incarcerated population.

- The bill also requires a report detailing health status data of an incarcerated individual for the five years preceding the pilot program and at the completion of the pilot program. Not only is an incarcerated individual's health information protected under federal HIPAA regulations, there are also federal regulations that prohibit research being conducted on incarcerated individuals unless it meets specific requirements.

- Changes in vendors, contracts, and cost of services will most likely have changed over the 5-year period required by SB 942. As a result, calculation of the services and costs of individual patient care provided may not be possible beyond the period serviced by the Department's current medical provider.

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on Senate Bill 942.